



POLICE DEPARTMENT

-----X  
In the Matter of the Disciplinary Proceedings :  
- against - : FINAL  
Police Officer Riggs Kwong : ORDER  
Tax Registry No. 933905 : OF  
Bronx Court Section : DISMISSAL  
-----X

Police Officer Riggs Kwong, Tax Registry No. 933905, having been served with written notice, has been tried on written Charges and Specifications numbered 2022-24553, as set forth on form P.D. 468-121, dated January 18, 2022, and after a review of the entire record, Respondent is found Guilty of the charged misconduct.

Now, therefore, pursuant to the powers vested in me by Section 14-115 of the Administrative Code of the City of New York, I hereby DISMISS Police Officer Riggs Kwong from the Police Service of the City of New York.

  
KEECHANT L. SEWELL  
POLICE COMMISSIONER

EFFECTIVE: 9/6/22  
(Amended)

POLICE DEPARTMENT

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POLICE DEPARTMENT

July 12, 2022

-----X  
In the Matter of the Charges and Specifications :

Case No.

- against - :

2022-24553

Police Officer Riggs Kwong :

Tax Registry No. 933905 :

Bronx Court Section :

-----X  
At: Police Headquarters  
One Police Plaza  
New York, NY 10038

Before: Honorable Paul M. Gamble  
Assistant Deputy Commissioner Trials

APPEARANCES:

For the Department: Anna Krutaya, Esq.  
Department Advocate's Office  
One Police Plaza  
New York, NY 10038

For the Respondent: Peter Brill, Esq.  
Brill Legal Group, P.C.  
306 Fifth Avenue, Penthouse  
New York, NY 10038

To:

HONORABLE KEECHANT L. SEWELL  
POLICE COMMISSIONER  
ONE POLICE PLAZA  
NEW YORK, NY 10038

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## CHARGES AND SPECIFICATIONS

1. Said Police Officer Riggs Kwong, while off-duty and assigned to the 70th Precinct, on or about January 16, 2022, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department to wit: said Police Officer engaged in a physical altercation with an individual known to the Department.

A.G. 304-06, Page 1, Paragraph 1

PROHIBITED CONDUCT

2. Said Police Officer Riggs Kwong, while off-duty and assigned to the 70th Precinct, on or about January 16, 2022, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department to wit: said Police Officer Riggs Kwong used offensive language towards an individual known to the Department based on said individual's membership in a protected class.

A.G. 304-06, Page 1, Paragraph 1

PROHIBITED CONDUCT

## REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on April 8 and May 13, 2022. Respondent, through his counsel, entered pleas of Not Guilty to the subject charges. The Department called Sergeant Ari Cankul as a witness. Respondent called Lieutenant Fakrul Islam, Police Officer Wardah Iqbal, Police Officer Taimur Raja, and Police Officer Mohammad Zubair as witnesses; he also testified on his own behalf. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review. Having reviewed all of the evidence in this matter, I find Respondent Guilty of Specifications 1 and 2 and recommend that he be DISMISSED from the New York City Police Department.

## ANALYSIS

The following is a summary of the facts which are not in dispute.

On January 16, 2022, at approximately 1140 hours, Respondent, who was off-duty, drove eastbound on Church Avenue in Brooklyn. **Person A** a cab driver, was parked at a bus stop on Church Avenue and McDonald Avenue and attempted to make a U-turn in front of

Respondent. Respondent drove on Church Avenue toward Ocean Parkway, preventing Person A from making the turn. Person A self-identifies as an Asian, Bangladeshi, and Muslim. He was intoxicated during this encounter with Respondent (Resp. Ex. A2 at 9-11). Person A followed Respondent up to the intersection of Ocean Parkway and Church Avenue, and he pulled in front of Respondent's vehicle to prevent him from turning left (T. 28-29; Resp. Ex. A2 at 12). A verbal altercation ensued between Respondent and Person A which Respondent recorded on his cell phone (Dept. Ex. 2). There is also surveillance video of the incident (Dept. Ex. 3).

In Department's Exhibit 2, a video recording from Respondent's personal cell phone, Person A first appears as the driver of the black Toyota RAV4, which was stopped perpendicular to Respondent's white Honda. Respondent states, "I'm trying to make a left here on the service road, and this terrorist is terrorizing me" (Dept. Ex. 2 at 0:17-0:25). Respondent then starts yelling, "Come on, come out," at Person A and begins to repeat "Taki, Taki" (Dept. Ex. 2 at 0:32-0:50). Respondent continues to yell out his car window, saying, "You're so upset because I didn't let you make a U-turn. *Mr. Mohammed*, please move your car please," in an accent that was not natural to him, while still yelling "Taki, Taki" (Dept. Ex. 2 at 1:02-1:28). Person A then exits his car and appears to take a photo of Respondent's front license plate (Dept. Ex. 2 at 1:30-1:46). Person A goes back into his vehicle and appears to be yelling back at Respondent, although his statement is unintelligible; Respondent continues to shout "*Mr. Mohammed*" and "Taki, Taki" (Dept. Ex. 2 at 1:46-1:58). Respondent then cries, "Al-Qaeda, leave me alone. ISIS, ISIS" at Person A (Dept. Ex. 2 at 1:58-2:10).

Person A exits his car a second time and strikes the hood of Respondent's vehicle with his hand (Dept. Ex. 3 at 10:19). Respondent then leaves his vehicle and approaches Person A repeatedly stating, "What are you going to do?" (Dept. Ex. 2 at 2:10-2:33). Respondent then turns toward his car, and Person A follows him. Respondent turns back around and punches

Person A about the face and body, causing him to fall to the ground (T. 29; Dept. Ex. 3 at 10:57). Respondent continued to strike and punch Person A while still on the ground. Person A then gets up and stumbles in front of Respondent's vehicle, and when he steps forward, Respondent hits him again, knocking him to the ground. After lying on the ground for several seconds, Person A gets up and walks toward a group of people. Respondent calls 911 at approximately 1148 hours to report that Person A assaulted him (T. 49, 55; Dept. Ex. 3 at 12:00).

In the 911 call, Respondent stated that Person A assaulted him and identified himself as a Member of Service (Dept. Ex. 5). Police officers responded to the location at approximately 1151 hours (T. 59).

Police Officer Adam Moy was one of the officers who responded to the scene with a body-worn camera (Dept. Ex. 6). Moy spoke with Person A and additional bystander witnesses while investigating this incident.

Respondent was arrested for this incident and was eventually indicted for the crime of Assault in the Third Degree committed as a hate crime; the felony indictment is currently pending in Kings County Supreme Court. Person A was also arrested on [REDACTED], 2022, and charged with driving while intoxicated, based upon a Blood Alcohol Content of .15 per centum. The arrest and complaint reports were later sealed by law (T. 6-7). Person A testified before a Kings County grand jury on [REDACTED] 2022 (Dept. Ex. A2).

The following summarizes the relevant evidence presented to this Tribunal at the disciplinary hearing.

#### **Person A's Hearsay Statements**

##### *1. Police Officer Moy's Body Worn Camera*

On January 16, 2022, at the scene of the incident, Person A initially told Moy he did not want to tell him anything and directed him to speak with the bystander witnesses about what they

observed (Dept. Ex. 6 at 1:11-1:20; *see* Resp. Ex. A2 at 36). Person A eventually told officers Respondent hit him in his face and body, continuing to strike him even after he was on the ground (Dept. Ex. 6 at 7:05-7:19; *see* Resp. Ex. A2 at 36). When an officer asked Person A what happened before arriving at the location, he denied that anything happened elsewhere and asserted that everything happened at the intersection (Dept. Ex. 6 at 8:15-8:40).

## 2. Grand Jury Testimony

On January 27, 2022, Person A testified before a Kings County grand jury that he followed Respondent's car from McDonald Avenue to Ocean Parkway because he was upset that Respondent had blocked his way (Resp. Ex. A2 at 11-12). He explained that he turned his car at the intersection of Church Avenue and Ocean Parkway to block Respondent's because Respondent had blocked his car (*Id.* at 13). He recalled that when he stopped his car in front of Respondent's, he did not say anything; Respondent rolled down his window and called Person A "a terrorist, Mohammed, and ISIS" (*Id.* at 23). Person A testified that he responded, "Fuck you," then stepped out of his car and recorded Respondent's license plate (*Id.* at 16).

Person A testified that he got back into his car, but Respondent continued to call him names, which made him angry; he emerged from his vehicle a second time and hit the hood of Respondent's car with his hand (*Id.* at 17, 25, 27). As Person A was attempting to re-enter his vehicle, Respondent came out of his car and walked toward him, calling him "Mohammed" and "Al-Qaeda" (*Id.* at 17-18, 30). Respondent continued walking toward Person A until he was face to face with him, then pushed him and spat in his face (*Id.* at 18, 30-31). Person A testified that he spat back at Respondent; Respondent then began hitting his face and head (*Id.* at 18-19, 31-32). He stated that Respondent continued hitting him, even after he fell to the ground; Person A stood up, and Respondent hit him again (*Id.* at 32-33). According to Person A Respondent continued calling him "Mohammed," "ISIS," and "terrorist" as he was hitting him (*Id.* at 33).

Respondent continued striking him until he fell to his knees and lost consciousness; when he regained consciousness, he was on the ground (*Id.* at 35-36).

Person A testified that when the police arrived, he told them to speak to a man and woman standing near him because they had witnessed everything (*Id.* at 36). He later told the police that he did not touch Respondent, but that Respondent had hit him (*Id.*). He explained that his nose bled and became swollen from being hit by Respondent; he also suffered lower back pain from falling to the ground (*Id.* at 37, 38).

### *3. Telephone Interview*

On April 6, 2022, Person A summarized the event in a recorded telephone conversation with Sergeant Cankul, assigned to the Internal Affairs Bureau (Dept. Ex. 7A, 7B). In the interview, he stated that Respondent spat on him, so he spit back, and then Respondent began to punch him (Dept. Ex. 7B, p. 7, lns. 14-22 – p. 8, ln. 1; p. 8, lns. 4-5). He described how Respondent punched him until he fell to the ground; when he stood up, Respondent struck him again until he fell again (*Id.*, p. 6, lns. 3-5). Person A admitted in this interview that both he and Respondent were arrested that evening and that it was not until the next day that he learned Respondent was a police officer (*Id.*, p. 6, lns. 6-9). As the result of his altercation with Respondent, Person A sustained injuries to his face (*Id.*, p. 8, ln. 8; Dept. Ex. 8).

### *Respondent's Testimony*

Respondent testified that he was driving home from his mother's house when he first encountered Person A on Church Avenue as Person A was trying to make an illegal U-turn. Respondent rolled past Person A as he had the right of way to proceed on the road, and that nothing happened and no words or gestures were exchanged. Respondent turned left as he approached the service road when Person A blocked his path by pulling in front of him (T. 210-13).

Respondent testified that he was “waiting it out patiently” as Person A boxed him in, stating that he was “completely perplexed” as to what was happening (T. 230, 239). Respondent claimed that he exited his vehicle for safety, saying, “the guy’s a threat outside of his car walking around, I don’t know what he has on him” (T. 240). Respondent explained that he approached Person A screaming, “What are you going to do now, Mr. Mohammad” to get him to back off (T. 241). Person A did back off, and Respondent walked back to his car but admitted spitting into Person A’s car onto the steering wheel. Respondent testified that he turned and saw Person A “in his face”; Person A spat at Respondent and swung at him with his right hand. Respondent called it a “cheap shot” from Person A that knocked his glasses off (T. 242-43). Respondent described his glasses as “sports-oriented frames” designed for “any type of action sports,” so they are not easily knocked off of his face (*Id.*). Respondent testified that at this point, he was “furious” and that “the fact that Person A took a swing at [him] means it’s on” because Respondent was “born and raised in Brooklyn to street fight” (T. 245). Respondent further stated that because he knew that area to be an “accident-prone location” he felt he could not retreat from the area safely (T. 248-49).

While Respondent admitted that his choice of language was inappropriate, he attributed it to his sense of humor and frustration during this incident (T. 252-255, 258). At that time, he was unaware of Person A’s racial or religious background (T. 256).

#### *Respondent’s Witnesses*

Respondent had four former colleagues testify before this Tribunal. Lieutenant Fakrul Islam was Respondent’s partner when they were assigned to Strategic Response Group (“SRG”)(T. 139). Police Officer Wardah Iqbal, Police Officer Taimur Raja, and Police Officer Mohamad Zubair worked with Respondent in the 70th Precinct.



Lieutenant Islam stated he and Respondent were close partners at one time, but they have not spent much time together socially since 2008 (T. 157). He testified that the incident did not change his opinion of Respondent because “you can’t look at one situation about that person over the years” (T. 155). He knew Respondent as someone “determined to do the greatest good for the City and his family” and who would “address the public with kindness and pleasant words to de-escalate the situation” (T. 150, 162). After viewing Department’s Exhibit 1 during the hearing for the first time, Lieutenant Islam agreed that the behavior Respondent displayed was unacceptable for a police officer interacting with a member of the public. However, it did not change his opinion of Respondent (T. 161-62).

Officer Iqbal, Officer Raja, and Officer Zubair all testified that they mainly interacted with Respondent while on-duty and found him to be professional, courteous, and helpful when interacting with the public (T. 170-71, 178-79, 329). Officer Zubair stated that the video did not change his opinion of Respondent because “that’s not him, that’s not his character” (T. 330). Officer Raja testified that the video also did not change his opinion of Respondent because he knew him and believed this was more of a “road rage incident,” but conceded it was not appropriate for a police officer to use that type of language. He allowed that if he did not personally know Respondent, it would probably be challenging to work with someone capable of using that language against another person (T. 180, 184, 186).

### *Credibility*

Based upon the totality of the evidence, I credit the hearsay statements of **Person A** as logical, consistent, and reliable. In making this determination, I am mindful that **Person A** initiated the confrontation with Respondent by following him down Church Avenue in his vehicle after Respondent failed to yield to **Person A** as he attempted to make a K-turn. I also note

that Person A was legally intoxicated when he encountered Respondent outside their respective vehicles.

Despite these factors weighing against Person A's veracity, the incident with Respondent was recorded by three video cameras: Respondent's cell phone camera, an Argus camera at the intersection of Church Avenue and Ocean Parkway, and a private surveillance camera at [REDACTED]. The contents of the above recordings corroborate Person A's hearsay statements, which I find to be indicia of reliability. Furthermore, at the time Person A made his statements to the police who responded to the scene, he was likely speaking under the influence of a startling event, that being Respondent's assault upon him, making it more likely that his statements were spontaneous and not the product of reflection or design.

In contrast, I do not credit Respondent's testimony before the Tribunal, as it was illogical, self-serving, and against the weight of the independent evidence in the case.

Administrative Guide procedure 304-06 prohibits Members of Service from engaging in conduct prejudicial to good order, efficiency, or discipline of the Department (A.G. 304-06[1]).

*Specification 2: Offensive Language*

I find that the Department has met its burden of proof by a preponderance of the relevant, credible evidence that Respondent wrongfully engaged in conduct prejudicial to good order, efficiency, or discipline of the Department by using offensive language toward Person A based on his membership in a protected class. (A.G. 304-06[2][discourteous or disrespectful remarks regarding another person's age, ethnicity, race, religion, gender, gender identity/expression, sexual orientation, or disability]).

Respondent attempted to explain his use of the allegedly offensive language by claiming that he yelled such things to "intimidate" and "humor" Person A to "de-escalate" and "relieve

pressure” (T. 316-17). While he asserted that he relies on humor as a police officer, he conceded that this type of humor was “bad judgment on [his] part” (T. 318).

Respondent’s assertion that he was attempting to de-escalate the encounter by using so-called humor is both illogical and unsupported by the credible evidence. First, to describe the language he used as constituting humor is absurd. The language Respondent used was on its face offensive; his attempt to inoculate himself from discipline by characterizing it as humor is disingenuous. Second, it is equally absurd to believe that the use of this language toward a complete stranger could de-escalate a confrontation; in fact, Respondent’s words are more likely to have increased the likelihood of violence, rather than ameliorating the tension.

He referred to Person A as “Mohammed,” and assumed he was a member of the Islamic faith without knowing anything about him, other than observing his appearance. Respondent called him “Al-Qaeda” and “ISIS,” accusing him of being a member of two terrorist organizations. Finally, he repeatedly shouted, “You f – k your God,” at Person A. This statement alone is blasphemous, regardless of the particular deity to whom it is directed.

The totality of the evidence supports a finding that Respondent’s language was intentionally inflammatory and purposely disrespectful.

Respondent called four Members of Service to testify on his behalf. All four were of South Asian background; two of these witnesses acknowledged that they were followers of Islam. All of the witnesses testified to Respondent’s good character and professionalism; three of the witnesses testified that, despite having viewed the video recording in Department’s Exhibit 2 and listening to Respondent’s offensive language, such evidence did not change their positive opinion of Respondent’s character. One witness went so far as to deny that the language Respondent used in his altercation with Person A was offensive to Muslims. While the Tribunal will not question their sincerity, their testimony on the issue of whether the language was

offensive lacks probative value<sup>1</sup>. It is a fallacy to suggest that if someone who follows the Islamic faith professes not to have been offended by Respondent's language, then *ipso facto*, his language cannot be hate speech. That would impose a subjective standard. In contrast, this Tribunal finds that Respondent's language was objectively bigoted.

I, therefore, find Respondent Guilty of Specification 2.

*Specification 1: Engaging in a Physical Altercation*

I find that the Department has met its burden of proof by a preponderance of the relevant, credible evidence that Respondent wrongfully engaged in a physical altercation with Person A and that such altercation was prejudicial to good order efficiency, or discipline of the Department, in violation of Administrative Guide procedure 304-06(1).

Department's Exhibit 3 captures Respondent approaching Person A and punching him, causing him to fall to the ground. It further captures Respondent continuing to strike Person A while on the ground. Respondent admitted to hitting Person A during his testimony. Respondent testified that Person A swung at him, so he began to fight back. Respondent was not remorseful for the physical altercation, stating, "It's unfortunate for him that he picked a fight with the wrong guy. I'm not a punching bag" (T. 259). He said he did not believe he was the aggressor in this fight because he was defending himself and "did nothing to provoke him" (*Id.*).

While Respondent testified that Person A struck him and knocked off his glasses, the video recording in Department's Exhibit 3 did not capture such a blow. The video does show, however, Respondent's glasses flying off his head. I will credit Respondent's assertion that

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<sup>1</sup> Ironically, the testimony did introduce additional evidence relevant to Respondent's state of mind: Raja testified that Respondent was supposedly so solicitous of the Muslim police officers with whom he served, that he procured Halal meats for precinct barbeques so that they could partake in the fare without violating their faith's dietary restrictions. This Tribunal finds it more likely that not that someone who has enough knowledge of the Islamic faith to accommodate the dietary rules of his fellow police officers would have also known that the language he directed toward Person A was *prima facie* evidence of religious bigotry (T. 180, 184).

Person A struck him once and find that Respondent was justified in responding with like force. Even so, Respondent persisted in the use of force that went above and beyond what could be categorized as self-defense.

Respondent admitted during his hearing testimony that he struck Person A in the head approximately one dozen times. He continued raining blows on Person A's head until he was brought to his knees. When Person A stood up and attempted to walk away, Respondent pursued him and struck him again, knocking Person A to the ground, where he remained for approximately ten seconds before being able to rise to his feet again. By engaging in this relentless pummeling, Respondent took himself from a position of self-defense to one of the aggressor (*See Disciplinary Case No. 82994/07* [April 22, 2010]).

Respondent attempted to excuse this assault by claiming that he was “born and raised in Brooklyn to street fight,” without further explanation (T. 245). Whatever Respondent's assertion actually means, the evidence in the record supports a finding that he deliberately beat an intoxicated man to the ground, eventually rendering him unconscious. Based upon the evidence above, I find that Respondent's assault on Person A was intended to inflict bodily injury and that he inflicted such injury.

I further find that Respondent committed this assault against Person A motivated in substantial part because he perceived him to be of South Asian extraction and a member of the Muslim faith. In reaching this finding, I rely upon the statements Respondent made while he was still inside his car, which he chose to record on his mobile telephone, and the statements Person A made in the grand jury that Respondent continued to use the bigoted language as he punched him. Based upon the tone of his comments and their hateful nature, I find it likely that they were a substantial motivator for his assault on Person A which was notable for its brutality.

I find that Respondent's behavior was prejudicial to good order and discipline in this Department. A core function of this Department is to maintain the peace and safety of the community. When a police officer engages in an unjustified physical altercation, he breaches the very peace he has sworn to uphold and injects doubt into the mind of any citizen who witnesses or learns of the altercation as to whether police officers are impartial enforcers of the law or hooligans.

Based upon the foregoing, I find Respondent Guilty of Specification 1.

### PENALTY

In order to determine an appropriate penalty, this Tribunal, guided by the Department's Disciplinary System Penalty Guidelines, considered all relevant facts and circumstances, including potential aggravating and mitigating factors established in the record. Respondent's employment history was also examined (*See* 38 RCNY § 15-07). The Tribunal considered information from his personnel record in making this penalty recommendation; this information is contained in an attached memorandum.

Respondent, who was appointed to the Department on January 20, 2004, has a formal disciplinary history. In 2018, Respondent forfeited 30 vacation days and was placed on dismissal probation after pleading guilty to possessing counterfeit postage, placing items with counterfeit postage into the mail, and engaging in off-duty employment without permission for over nine years.

The Department has recommended termination, based upon application of the presumptive penalty for engaging in conduct proscribed by New York state law classified as a felony; the mitigated penalty is forced separation.

A person commits the crime of Assault in the Third Degree when, with the intent to cause physical injury, he causes such injury (P.L. § 120.00). Assault in the Third Degree is a specified

offense, the commission of which as a hate crime raises the level of the offense from a Class “A” misdemeanor to a Class “E” felony (P.L. § 485.10[2]).

New York Penal Law Section 485.05 defines a hate crime as follows:

(1) A person commits a hate crime when he or she commits a specified offense and either:

- (a) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation of a person, regardless of whether the belief or perception is correct, or
- (b) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation of a person, regardless of whether the belief or perception is correct.

(P.L. § 485.05).

I find that the conduct charged in Specifications 1 and 2, of which I have found Respondent Guilty, would constitute the aggravated crime of Assault in the Third Degree, as a hate crime, under the New York Penal Law.

The range of penalties for engaging in conduct prejudicial to the good order and efficiency of the Department range from a mitigated penalty of training to an aggravated penalty of termination.

Whether applying either category of presumptive penalties to the conduct of which Respondent has been found Guilty, the facts of this case call for him to be terminated.

The credible evidence established that Respondent engaged in a verbal and physical altercation with an individual while using offensive language based upon that individual’s perceived national origin and religious beliefs. He committed these offenses in broad daylight, in view of civilian witnesses. Respondent initiated the use of offensive language that was unambiguously bigoted. He then engaged in a one-sided drubbing in which he beat his victim to

unconsciousness. Counsel for Respondent argued that Person A was legally intoxicated at the time of his encounter with Respondent. This fact, which the Department did not refute, made Person A a vulnerable victim deserving of some magnanimity from Respondent rather than the beating he received.

In a stunning display of hubris, Respondent offered his cellphone video, which captured his initial use of hateful invective directed at Person A to the police officers who responded to his 911 call, in which he claimed that he had been assaulted. During his testimony, he stated unequivocally that he “had to get the best of Person A because this is a fracas” (T. 313-14). When his attorney asked him on re-direct examination what he would do differently, he responded, “I would sit there and be the victim” (T. 260). In the view of the Tribunal, Respondent, after being indicted on state felony charges and facing Departmental discipline, still does not believe that he did anything wrong.

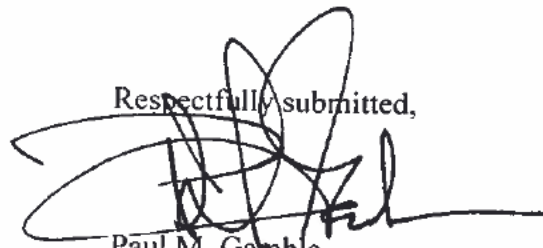
The Tribunal found the testimonies of Respondent’s witnesses unpersuasive in mitigating his misconduct. In sum, he invited the Tribunal to infer from the evidence of his cordial relationships with four Members of Service from South Asian backgrounds that the bigotry he displayed on January 12, 2022, was not bigotry but something else. Because of the overwhelming evidence in the record to the contrary, the Tribunal declines such an invitation.

Respondent demonstrated a lack of impulse control and a capacity for punitive physical aggression during this incident. This incident calls into question his ability to continue to perform his job duties. While Respondent’s character witnesses testified that this was not in his character and appeared to be a one-time incident, these witnesses were not familiar with how Respondent acts while off-duty. An officer stated that if he did not know Respondent, it would be difficult to work with the police officer after viewing the video. Their testimony does not call for a mitigated penalty. Under these circumstances, I find that termination is warranted.



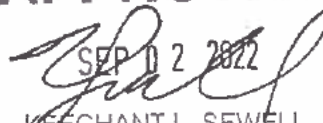
I, therefore, recommend that Respondent be DISMISSED from his employment with the New York City Police Department.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Paul M. Gamble', written over the typed name.

Paul M. Gamble  
Assistant Deputy Commissioner Trials

**APPROVED**

A handwritten signature in black ink, appearing to read 'Keechant L. Sewell', written over the date stamp.

SEP 02 2022  
KEECHANT L. SEWELL  
POLICE COMMISSIONER



## POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials  
To: Police Commissioner  
Subject: SUMMARY OF EMPLOYMENT RECORD  
POLICE OFFICER RIGGS KWONG  
TAX REGISTRY NO. 933905  
DISCIPLINARY CASE NO. 2022-24553

Respondent was appointed to the Department on January 20, 2004. On his three most recent annual performance evaluations, he was twice rated as “Meets Standards” for 2019 and 2020 and was rated “Exceeds Expectations” for 2018.

In 2018, Respondent forfeited 30 vacation days and was placed on dismissal probation after pleading guilty to possessing counterfeit postage, placing items with counterfeit postage into the mail, and engaging in off-duty employment without permission for approximately nine years. Before the imposition of dismissal probation in that case, Respondent was placed on Level 1 Discipline Monitoring from April 2017 to September 2018.

In connection with the instant matter, Respondent was suspended without pay from January 16 to February 14, 2022. Respondent was also placed on Level 2 Discipline Monitoring in March 2022; that monitoring remains ongoing.

For your consideration.

Paul M. Gamble  
Assistant Deputy Commissioner Trials